

MEMORANDUM 4-5

OGC 8-1697 a

OGC Has Reviewed

26 September 1958

STATINTL

MEMORANDUM FOR: [redacted] Chief, SRS

SUBJECT: Political Activity - [redacted]

STATINTL

1. This is in reply to your request for advice regarding the proposed political activities of [redacted] an employee of this Agency. According to your Memorandum for the Record of 23 September, [redacted] is seeking permission to accept an offer from Representative Keating to help organize his campaign headquarters in New York City. Mr. Keating is seeking election to the United States Senate this fall.

STATINTL

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2. Political activities of governmental employees are subject to regulation by statute. The Hatch Political Activities Act was passed by Congress in 1939 to ensure the efficiency of Government employees by prohibiting their active participation as political officers and workers. The pertinent part of the Hatch Act applicable to [redacted] proposed is section 9a (section 118(1) of Title 5, United States Code) and it reads in part as follows:

STATINTL

"It shall be unlawful for any person employed in the executive branch of the Federal Government, or any agency or department thereof, to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. No officer or employee of the executive branch of the Federal Government, or any agency or department thereof, shall take any active part in political management or in political campaigns."

The Act has been interpreted strictly. The nature of [redacted] proposal obviously would entail her taking an active part in "political management" and in a "political campaign" and thus come within the prohibition set out in the Act.

STATINTL

3. The penalty for violation of this section is immediate removal from the office or position held unless the Civil Service Commission, by unanimous vote, decides that the violation does not so warrant, in which case a ninety day suspension without pay is ordered. The fact that an employee is on leave (including leave without pay) when the violation occurs makes no difference. The Civil Service Commission has held "that to find otherwise would make circumvention of the Act easy."

STATINTL

4. In addition, [ ] should be reminded that the Director has requested all Agency employees "to avoid any political activity which would violate the spirit of the established Government principles or which would affect adversely the best interests of the Agency."

SIGNED

LAWRENCE R. HOUTON  
General Counsel

cc: IG

OGC:MCM:jem

Orig & 1 - Addressee

✓ 1 - Subject *Personnel 4-3*

1 - Signer

1 - Chrono

~~SECRET~~

23 September 1958

## MEMORANDUM FOR THE RECORD

SUBJECT: [REDACTED]

[REDACTED] called at 4:45 PM on 22 September 1958 to ask advice about accepting an offer she had received from Representative KEATING of New York.

She stated Rep. Keating had asked her to go to New York City to help organize his campaign headquarters at the Hotel Roosevelt. Besides organizing the office, she would be in contact with various people coming to the office and the question had arisen as to whether this action would be permissible under the Hatch Act.

[REDACTED] stated that if she was registered as to party, she would probably be a registered Democrat, but that she thought a lot of Keating. She further stated she had mentioned the Hatch Act to Rep. Keating and he had said he felt certain it applied to active campaigning and not to office activity.

[REDACTED] stated she had spent the summer awaiting the death of her ill father who had leukemia. She would like to get away from Washington for a short time as a change of pace and for that reason would like to accept the offer if it is permissible. She felt, however, that despite Keating's assurance, the Hatch Act probably would apply.

I advised [REDACTED] I was not familiar with the interpretations that have been placed on the Hatch Act by the Civil Service Commission and that it would be necessary to forward her request to the General Counsel for a decision.

[REDACTED]  
Chief/SRS

SRS [REDACTED] cmc

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SENDER WILL CHECK CLASSIFICATION TOP SECRET CONFIDENTIAL UNCLASSIFIED			
CENTRAL INTELLIGENCE AGENCY OFFICIAL ROUTING SLIP			
TO	NAME AND ADDRESS	INITIALS	DATE
1	Col. Edwards	SE	23 Sept 58
2			
3			
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6			
ACTION		DIRECT REPLY	PREPARE REPLY
APPROVAL		DISPATCH	RECOMMENDATION
COMMENT		FILE	RETURN
CONCURRENCE		① INFORMATION	SIGNATURE

Remarks:

2- a copy has been sent to Mr. Kurbpatrick who is interested in [redacted] Please advise.

FOLD HERE TO RETURN TO SENDER	
FROM: NAME, ADDRESS AND PHONE NO.	DATE

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